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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 PAUL A. WESBECHER,

No. CIV S-04-0807-FCD-CMK

12 Petitioner,

13 vs.

ORDER

14 DANIEL FOY,

15 Respondent.
16 _____/

17 Petitioner, who is no longer in custody, is proceeding pro se and in forma pauperis
18 in this petition for a writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254. The matter was
19 referred to a United States Magistrate Judge pursuant to Local Rule 72-302(c)(21).

20 On December 7, 2005, the magistrate judge filed findings and recommendations
21 herein which were served on petitioner and which contained notice to petitioner that any
22 objections to the findings and recommendations were to be filed within ten days.¹ Petitioner has
23 not filed objections to the findings and recommendations.

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26 ¹ The findings and recommendations were re-served on petitioner on December 20,
2005.

1 The court has reviewed the file and finds the findings and recommendations to be
2 supported by the record and by the magistrate judge's analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed December 7, 2005, are adopted in
5 full;

6 2. This action is dismissed, without prejudice, for lack of prosecution and
7 failure to comply with court orders and rules; and

8 3. The Clerk of the Court is directed to enter judgment and close this file.

9 DATED: January 19, 2006

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11 /s/ Frank C. Damrell Jr.
12 FRANK C. DAMRELL JR.
13 United States District Judge
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